BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

WALTER STIMAX Claimant)
VS.)) Docket No. 265,773
L.E. BARNES CIRCUS, INC. Respondent	,))
AND	,))
NATIONAL AMERICAN INSURANCE COMPANY Insurance Carrier	,))

ORDER

On February 4, 2002, respondent and its insurance carrier filed a motion with the Division of Workers Compensation requesting this Board to reconsider its January 28, 2002 Order. The motion contends the Board did not consider exhibits sent to the Judge following the July 12, 2001 preliminary hearing, which the parties intended to be included as part of the evidentiary record.

The Board has consistently held, and continues to hold, that the Workers Compensation Act does not provide for motions for reconsideration. Accordingly, the Board must deny the request to reconsider the January 28, 2002 Order.

Nonetheless, respondent and its insurance carrier are not without relief. As provided by the Act, preliminary hearing findings are not final but subject to modification upon a full hearing of the claim.¹

WHEREFORE, the Board denies respondent and its insurance carrier's request to reconsider the Board's January 28, 2002 Order.

IT IS SO ORDERED.

¹ K.S.A. 44-534a.

Dated this	_ day of February 2002.	
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: Orvel Mason, Attorney for Claimant Ronald J. Laskowski, Attorney for Respondent and its Insurance Carrier Jon L. Frobish, Administrative Law Judge Philip S. Harness, Workers Compensation Director